

European Parliament

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this Convention can be formally adopted and applied as soon as possible after ratification by the national parliaments. It agreed to settle the question of the possible jurisdiction to be attributed to the Court of Justice of the European Communities at its meeting in June 1996."

Even after this Summit the legal status of the draft (or convention) remains unclear. All states seem to have agreed on the text of the latest draft, excluding one provision. Fourteen of them do also agree on the provision on the role of the European Court of Justice. The United Kingdom stands alone in this respect. What is clear from the text of the Presidency Conclusion is that the issue should be resolved in a year. On the other hand the remarks on ratification by national parliaments raise important questions. How could a government introduce a document for ratification in parliament, when the text is not complete or even worse when certain provisions cause disagreement between the future treaty partners? In most constitutional systems a treaty can only be submitted by the government to parliament for ratification after the text has been adopted and signed. This enables parliament to give its consent and approval to the treaty or to deny this. If the text is not complete this is not possible and parliament is not in a position to perform its democratic duty. Apart from that, there might be parliaments that will rest their approval of the Europol-Convention on the way the role of the European Court of Justice is provided. Those parliaments will almost certainly postpone their decision until this has become clear. Another important point on ratification is that a parliament should be able to see in relation to which countries the treaty will bind their nation.

Therefore expectations are that a Europol Convention will not enter into force before 1997.

B. European Parliament - Hearing on Europol

by André Klip

A hearing on Europol was organized by The Greens in the European Parliament on July 3, 1995 in Brussels. The hearing was presided by Claudia Roth, President of the Green Group, in the European Parliament.

In her opening statement Mrs. Roth stressed the fact that much of the discussion on the Europol Convention took place in secret, without thorough involvement of any elected parliament. For the Europol Drugs Unit, Director Jürgen Storbeck emphasized the need for the establishment of Europol in combatting international (organized) crime. Mr. Storbeck mentioned that internal guidelines are under preparation in order to make Europol operative as soon as the Convention comes into force.

Thilo Weichert of the German Union of Privacy Protection (*Deutsche Vereinigung für Datenschutz*, Hannover) compared Europol with an absolute monarch. He stated that the organization is not subject to any independent control mechanism. It might "launder" data by analyzing data supplied by national units into new Europol data. Professor Bert Swart for the Netherlands Standing Committee of Experts on International Immigration, Refugee and Criminal Law, criticized the United Kingdom's position on the role of the European Court of Justice. The British fear a federalization of Europe lacks substantial grounds. He compared the situation with the European Convention on Human Rights which provides a role for a Court, without any federal or communizing impact.

The speeches referred to here as well as of other speakers and the interventions will be published in the Session Documents of the European Parliament.